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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

RENEE KLEP, individually and as
successor-in-interest to DARIN
KLEP, DECEDENT; A.K. a
minor by her guardian Ad Litem,
RENEE KLEP.

CASE NO.: 2:23-CV-00274-WBS-DB

**STIPULATION AND ORDER TO
MODIFY SCHEDULING ORDER
[DOCUMENT 14]**

Plaintiffs,

vs.

COUNTY OF SISKIYOU; CITY OF MT. SHASTA, a Municipal entity; CHRIS STOCK, an individual; RICHARD EVANS, an individual; WALTER MOORE, an individual; and JUAN CASANOVA, an individual

Defendants.

IT IS HEREBY STIPULATED by and among the Plaintiffs, RENEE KLEP and A.K. (hereinafter referred to as the “PLAINTIFFS”), and Defendants, COUNTY OF SISKIYOU, CITY OF MT. SHASTA, CHRIS STOCK, RICHARD EVANS, WALTER MOORE, and JUAN CASANOVA (hereafter collectively referred to as the “DEFENDANTS”), who may be collectively referred to as the “PARTIES,” through their respective counsel of record, as follows:

WHEREAS counsel for the PARTIES met and conferred by email and telephone on several occasions, prior to execution of this stipulation, concerning the status of discovery and anticipated timeline for completion of remainder of both expert and non-expert discovery;

1 WHEREAS PLAINTIFFS had agreed to multiple extensions of time after serving
2 DEFENDANTS with written discovery on November 22, 2023. Specifically, PLAINTIFFS
3 agreed to extend time for DEFENDANTS MT. SHASTA, WALTER MOORE, and JUAN
4 CASANOVA until February 20, 2024 (at which time they served their responses to
5 PLAINTIFFS' discovery requests). Additionally, PLAINTIFFS agreed to extend time for
6 DEFENDANTS COUNTY OF SISKIYOU, CHRIS STOCK, and RICHARD EVANS
7 (collectively, "SISKIYOU DEFENDANTS") until March 21, 2024 (at which time they served
8 their responses to PLAINTIFF'S discovery requests).

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10 WHEREAS the PARTIES entered into a Stipulated Protective Order after weeks of
11 negotiation, and they filed the same with the court on February 29, 2024.
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13 WHEREAS, in addition to the above discovery, PLAINTIFFS served written
14 interrogatories upon DEFENDANTS STOCK, EVANS, MOORE, and CASANOVA. Again,
15 DEFENDANTS requested an extension of time to respond up until and including April 8, 2024.
16 PLAINTIFFS agreed to this extension, on the condition that the PARTIES would agree to
17 submitting a Stipulation/Order modifying the Scheduling Order. At their meet-and-confer, the
18 PARTIES discussed and agreed to a 90-day time extension of time on various deadlines/dates;
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20 WHEREAS, PLAINTIFFS have also served Subpoenas (Documents Only) on various
21 entities, including the County of Siskiyou District Attorney's Office ("Siskiyou DA").
22 PLAINTIFFS have been informed that the Siskiyou DA may have relevant documents that are
23 not in the possession and custody of COUNTY OF SISKIYOU. The return date on
24 PLAINTIFFS' Subpoena on the Siskiyou DA was March 25, 2024. As of March 27, 2024,
25 documents from the Siskiyou DA have *not* yet been produced to PLAINTIFFS' Attorney
26 Service;
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1 WHEREAS Depositions in this matter have not yet been taken;

2 WHEREAS counsel for the PARTIES agree that additional time is needed to complete
3 anticipated discovery, and have stipulated to extend the discovery cutoff deadline by three
4 months;

5 WHEREAS counsel for the PARTIES have stipulated that, by extending the discovery
6 cutoff deadline, an extension of all other deadlines will also become necessary;

7 IT IS HEREBY STIPULATED AND AGREED by and among the PARTIES that the
8 existing pretrial scheduling order, electronically filed as Document 14, shall be modified and the
9 deadlines stated therein shall be amended as follows:

- 10 1. The parties shall disclose experts and produce reports in accordance with FRCP
11 26(a)(2) by no later than August 5, 2024.
- 12 2. The parties shall disclosure rebuttal experts and reports in accordance with FRCP
13 26(a)(2) on or before September 5, 2024.
- 14 3. Discovery to be completed by October 4, 2024. All motions to compel discovery
15 must be noticed on the magistrate judge's calendar in accordance with the local rules
16 of this court and so that such motions may be heard (and any resulting orders obeyed)
17 not later than October 4, 2024.
- 18 4. All motions, except motions for continuances, temporary restraining orders, or other
19 emergency applications, shall be filed on or before December 2, 2024. All motions
20 shall be noticed for the next available hearing date.
- 21 5. The final pretrial conference currently scheduled for December 16, 2024, shall be
22 taken off calendar and reset for March 17, 2025, at 1:30 p.m. in Courtroom No. 5.

1 6. The jury trial currently set for February 25, 2025, shall be taken off calendar and
2 reset for May 26, 2025, at 9:00 a.m.

3 *[Signatures to follow on next page.]*

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1 Dated: March 28, 2024

MAIRE & DEEDON

3 /s/ Tracey A. Werner

4 PATRICK L. DEEDON
5 TRACEY A. WERNER
6 Attorneys for Defendants,
7 COUNTY OF SISKIYOU,
8 CHRIS STOCK AND RICHARD EVANS

7 Dated: March 28, 2024

8 ANGELO, KILDAY & KILDUFF, LLP

9 /s/ Derick E. Konz

10 DERICK E. KONZ
11 JACOB J. GRAHAM
12 Attorneys for Defendants,
13 CITY OF MT. SHASTA, SERGEANT MOORE,
14 OFFICER CASANOVA

13 Dated: March 28, 2024

14 LAW OFFICES OF PHILIP J. KAPLAN

15 /s/ Philip J. Kaplan

16 PHILIP J. KAPLAN
17 Attorneys for Plaintiffs,
18 RENEE KLEP and A.K.

18 [Order to follow on next page.]

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ORDER

Having reviewed the Parties' stipulation, and good cause appearing therefore,

IT IS HEREBY ORDERED:

The Parties' STIPULATION AND [PROPOSED] ORDER TO MODIFY THE SCHEDULING ORDER [DOCUMENT 14] is approved as an Order of this Court. The existing Scheduling Order, electronically filed as Document 14, is hereby modified and the deadlines stated therein shall be amended as follows:

1. The parties shall disclose experts and produce reports in accordance with FRCP 26(a)(2) by no later than August 5, 2024.
 2. The parties shall disclosure rebuttal experts and reports in accordance with FRCP 26(a)(2) on or before September 5, 2024.
 3. Discovery to be completed by October 4, 2024. All motions to compel discovery must be noticed on the magistrate judge's calendar in accordance with the local rules of this court and so that such motions may be heard (and any resulting orders obeyed) not later than October 4, 2024.
 4. All motions, except motions for continuances, temporary restraining orders, or other emergency applications, shall be filed on or before December 2, 2024. All motions shall be noticed for the next available hearing date.
 5. The final pretrial conference currently scheduled for December 16, 2024, shall be taken off calendar and reset for **March 24, 2025, at 1:30 p.m.** in Courtroom No. 5.
 6. The jury trial currently set for February 25, 2025, shall be taken off calendar and reset for **May 28, 2025, at 9:00 a.m.**

Dated: April 1, 2024

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE